

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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LEE XU and STEPHEN M. SZYMANSKI,

Plaintiff,

-against-

22 CIVIL 5090 (VEC)

**JUDGMENT**

DIREXION SHARES ETF TRUST; RAFFERTY  
ASSET MANAGEMENT, LLC; DIREXION  
FAMILY OF INVESTMENT COMPANIES;  
DANIEL O'NEILL; DANIEL J. BYRNE; GERALD  
E. SHANLEY, III; JACOB C. GAFFEY; PATRICK  
J. RUDNICK; ANGELA BRICKL; TODD  
KELLERMAN; PAUL BRIGANDI; TONY NG;  
MICHAEL RAFFERTY; KATHLEEN RAFFERTY  
HAY; U.S. BANCORP FUND SERVICES, LLC;  
FORESIDE FUND SERVICES, LLC; and  
DIREXION ADVISORS, LLC,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons  
stated in the Court's Opinion and Order dated August 25, 2023, Defendants' motion to dismiss is  
GRANTED as to all claims; accordingly, the case is closed.

**Dated:** New York, New York

August 28, 2023

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. mango*

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**Deputy Clerk**